



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 4002-00

27 July 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552
(b) BUPERSINST 1900.8

Encl: (1) DD Form 149 w/attachments
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy filed enclosure (1) with this Board requesting that his reenlistment code be changed.
2. The Board, consisting of Mr. Rothlein, Mr. Frankfurt and Ms. McCormick, reviewed Petitioner's allegations of error and injustice on 25 July 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.
3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:
 - a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.
 - b. Enclosure (1) was filed in a timely manner.
 - c. Petitioner enlisted in the Navy on 15 March 2000 at age 29. At the time of enlistment he had completed about seven years of service in the National Guard.
 - d. While in recruit training Petitioner began having sharp pains in his tail bone and made repeated visits to the clinic. On 18 April 2000 he was recommended for separation because of his problem. Subsequently, this recommendation was approved and he received an entry level separation on 27 April 2000. At that time he was assigned an RE-4 reenlistment code. The narrative

reason for Petitioner's separation is "Failed Medical/Physical Procurement Standards", and the Separation Program Designator (SPD) code is "JFW".

e. Petitioner states that he never had any physical problems while in the National Guard and does not know why he was having pain in his tail bone while in Navy recruit training. However, since his release from active duty the problem has cleared up and he is now pain free. He desires to reenlist but cannot do so because of the RE-4 reenlistment code.

f. Reference (b) states that individuals separated with an SPD of JFW must either be assigned an RE-3Q or an RE-4 reenlistment code. An RE-3Q is only assigned to officer candidates and the RE-4 reenlistment code is the only code that fits Petitioner's circumstances. The Board is aware that the only other reason for separation which arguably fits the circumstances of his case is "Erroneous Entry (other)". This reason is assigned if an individual would not have been enlisted if the disqualifying factor had been known. The SPD code of "JFC" is assigned with that narrative reason for discharge and the assignment of the full range of reenlistment codes is authorized, including an RE-3E code.

MAJORITY CONCLUSION:

Upon review and consideration of all the evidence of record, the majority, consisting of Mr. Rothlein and Ms. McCormick, concludes that Petitioner's request warrants favorable action. The Board notes that Petitioner's only problem in recruit training was the pain in his tail bone. Additionally, Petitioner's failure to meet the physical procurement standards means that he should not have been enlisted. Accordingly, his enlistment was erroneous. Had he been processed for erroneous enlistment, he could have received an RE-3E reenlistment code. The Board believes that reference (b) should provide for an RE-3 reenlistment code in cases such as this. Given the circumstances, the majority also believes that since the physical condition may have been temporary, that an RE-4 reenlistment code is inappropriate. Therefore, the Board concludes that the reenlistment code which most closely fits the circumstances is an RE-3E reenlistment code, and such a code should now be assigned as an exception to policy. The RE-3E code will alert recruiters that there is a problem that must be resolved before enlistment can be

authorized, but will not preclude consideration for an enlistment waiver.

In view of the foregoing, the majority finds the existence of an injustice warranting the following corrective action.

MAJORITY RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 27 April 2000 he was assigned an RE-3E reenlistment code vice the RE-4 reenlistment code now of record.

b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

MINORITY CONCLUSION:

Mr. Frankfurt disagrees with the majority and concludes that Petitioner's request does not warrant favorable action. In this regard, the minority notes that Petitioner was properly discharged by reason of his failure of medical/physical procurement standards and was properly assigned an SPD of JFW. Since Petitioner has been treated no differently than others assigned that SPD code, he could not find an error or injustice in the assignment of the RE-4 reenlistment code.

In view of the foregoing, the minority finds no injustice warranting corrective action.

MINORITY RECOMMENDATION:

That Petitioner's request be denied.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder

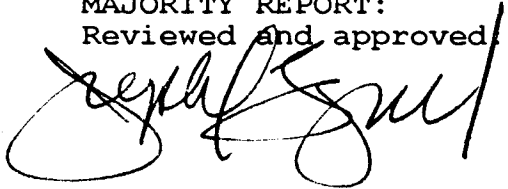


ALAN E. GOLDSMITH
Acting Recorder

5. The foregoing report of the Board is submitted for your review and action.


W. DEAN PFEIFFER

MAJORITY REPORT:
Reviewed and approved:



AUG 18 2000

~~MINORITY REPORT:
Reviewed and approved:~~

Joseph G. Lynch
Assistant General Counsel
(Manpower & Reserve Affairs)